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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,432	06/23/2003	Kevin I. Bertness	C382.12-0148	7156

7590 09/16/2004
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EXAMINER

LAIR, DONALD M

ART UNIT	PAPER NUMBER
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2858

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,432

Applicant(s)

BERTNESS ET AL.

Examiner

Donald M. Lair

Art Unit

2858

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 19-23 is/are rejected.
- 7) ☒ Claim(s) 14-18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 14 is objected to because of the following informalities: "tester" should be -- tested --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 5, 6, 8 -- 14, and 19 -- 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Troy (US-5,831,435).

4. In regards to Claims 1, 22, and 23, Troy discloses a cable for use with an electronics battery tester, comprising:

a first pair of electrical connections configured to electrically couple to a first terminal of a battery (Fig. 1, element 22);

a second pair of electrical connections configured to couple to a second terminal of the battery, the first and second pair of electrical connections configured to provide Kelvin connections to the battery (Fig. 1, element 24);

a memory configured to store digital data (Fig. 1, elements 60 and 62); and

electrical terminals configured to couple the first and second pairs of electrical conductors and the memory to the electronics battery tester (Fig. 1, element 16).

5. In regards to Claim 3, Troy discloses the device described above, wherein the memory can be written to (Fig. 2, element 104).

6. In regards to Claim 5, Troy discloses the device described above, wherein the memory contains a calibration parameter related to the cable (Column 3, lines 30 – 34).

7. In regards to Claim 6, Troy discloses the device described above,, wherein the calibration parameter is related to cable resistance (Column 4, lines 38 and 39).

8. In regards to Claim 8, Troy discloses the device described above, wherein the memory contains information related to a physical characteristics of the cable (Column 3, lines 30 – 34; Column 4, lines 38 and 39).

9. In regards to Claim 9, Troy discloses the device described above, wherein the physical characteristic is indicative of the type of sensor of the cable (Column 5, lines 6 – 14).

10. In regards to Claims 10 and 12, Troy discloses the device described above, wherein the memory contains a serial number of the cable (Column 6, lines 26 – 30).

11. In regards to Claim 11, Troy discloses the device described above, wherein the memory contains test count data indicative of a number of tests which have been performed with the cable (Column 5, lines 21 – 23).

12. In regards to Claim 13, Troy discloses the device described above, wherein the memory contains information related to a date it was placed into service (Column 6, lines 20 – 30).

13. In regards to Claim 14, Troy discloses the device described above, wherein the memory contains information related to a type of battery which has been tested (Column 6, lines 20 – 30).

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14. In regards to Claim 19, Troy discloses the device described above, wherein the connection to the memory provides bi-directional data communication (Fig. 1, elements 56 and 60).

15. In regards to Claim 20, Troy discloses the device described above, wherein the memory is powered with power received from the battery tester (Fig. 1, elements 56 and 60).

16. In regards to Claim 21, Troy discloses the device described above, wherein the memory is powered with power received from the battery (Fig. 1, elements 56 and 60).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 2 and 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Troy in view of Namaky (US-2004/0054503).

19. In regards to Claims 2 and 4, Troy discloses the device described above, but fails to disclose a memory device that is permanent of an EEPROM. Namaky discloses a battery tester and teaches the use of a permanent memory and an EEPROM (Paragraphs [0042] and [0043]).

20. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Troy, by using a permanent memory or an EEPROM, as disclosed by Namaky, for the purpose of retaining values stored in memory in case of a power failure.

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21. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Troy in view of Bertness (US-6,172,505).

22. In regards to Claim 7, Troy discloses the device described above, by fails to teach detecting cable inductance as a calibration parameter. Bertness discloses an electronics battery tester, wherein cable inductance is used as a calibration parameter (Column 2, lines 25 – 38).

23. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Troy, by detecting the cable inductance, as disclosed by Bertness, for the purpose of reducing inductive coupling between the leads of the Kelvin probe.

Allowable Subject Matter

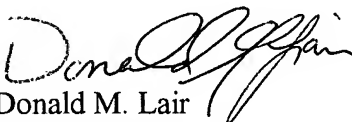
24. Claims 15 – 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

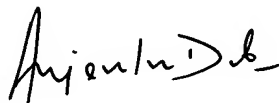
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald M. Lair whose telephone number is (571) 272-2232. The examiner can normally be reached on Monday - Friday, 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, N. Le can be reached on (571) 272-2233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Donald M. Lair
Patent Examiner
Art Unit 2858
September 13, 2004


ANJAN DEB
PRIMARY EXAMINER